IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8346 OF 2007

M/s.Sanjivani Developers & Ors. .. Petitioners.
V/s.
Laxminarayan Co.op Housing Society Limited & Ors. .. Respondents.

Mr.G.S.Godbole i/b.Maravoor Wamorkar & Co. for petitioners.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 21st NOVEMBER, 2007.

P.C.:

1. Heard Mr.Godbole appearing for the petitioner.

2. There is no need to interfere with an order passed by the Trial Court allowing an application for amendment.

3. The apprehension of Mr.Godbole can be taken care of by directing that the amendment, which is directed to be carried out to the plaint shall be subject to the plea of limitation being raised by the petitioner and such plea must be considered alongwith other pleas and issues while deciding the suit. In other words, the amendment is allowed subject to the Bar of Limitation being kept open.

4. Petition dismissed.

(S.C.Dharmadhikari, J.)